

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAMES K. RICE,)	
)	
Plaintiff,)	Jury Demand
v.)	
)	No. 3:15-cv-0398
AUTUMN ASSISTED LIVING PARTNERS, INC.)	
)	Judge Campbell
)	
Defendant.)	

PLAINTIFF'S PROPOSED JURY INSTRUCTION NO. 1

REQUEST FOR A REASONABLE ACCOMODATION AND INTERACTIVE PROCESS

The interactive process is triggered by a request for an accommodation by a disabled employee or by the employer's recognition of the need for such an accommodation.¹ It is generally the responsibility of the individual with a disability to inform the employer that an accommodation is needed.² In order to request a reasonable accommodation, an employee need only inform the employer of a need for an adjustment due to a medical condition using plain English and need not mention the ADA or use the phrase reasonable accommodation.³ The law does not impose any particular form that an employee's request for an accommodation must take, and it does not require that any talismanic language be used in a request for reasonable

¹ *Barnett v. US Air, Inc.*, 228 F.3d 1105, 1112 (9th Cir. 2000), *rev'd on other grounds in US Airways, Inc. v. Barnett*, 535 U.S. 391, 122 S. Ct. 1516, 152 L. Ed. 2d 589 (2002).

² 29 C.F.R. pt. 1630 App. §1630.9, quoted in *White v. Honda of America Mfg., Inc.*, 191 F.Supp.2d 933, 949 (S.D. Ohio 2002).

³ *Barnett v. U.S. Air, Inc.*, 228 F.3d 1105, 1112 (9th Cir. 2000) (en banc), *judgment vacated on other grounds*, 535 U.S. 391, 122 S. Ct. 1516, 152 L. Ed. 2d 589 (2002). (internal quotation marks omitted).

accommodation.⁴ What matters under the ADA are not formalisms about the manner of the request, but whether the employee ... provides the employer with enough information that, under the circumstances, the employer can be fairly said to have known of both the disability and desire for an accommodation.⁵

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing **Plaintiff's Special Jury Request No. 1** has been delivered by electronic transmission through the CM/ECF system to **James K. Simms, IV, Esq., and Jennifer M. Lankford, Esq., Thompson Burton PLLC**, One Franklin Park, 6100 Tower Circle, Suite 200, Franklin, TN 37067, on this 11th day of October, 2016.

s/ David L. Cooper
DAVID L. COOPER

⁴ *White v. Honda of America Mfg., Inc.*, 191 F.Supp.2d at 950; *Taylor v. Phoenixville School District*, 184 F.3d 296, 313 (3d Cir. 1999).

⁵ *Taylor v. Phoenixville School District*, 184 F.3d 296, 313 (3d Cir. 1999).